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Customer Number

Patent
Case No.: 58504US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: SOLYNTJES, ALAN J.

Application No.: 10/750077

Confirmation No.: 2080

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Group Art Unit 3771

Title: PERSONAL RESPIRATORY PROTECTION DEVICE THAT HAS A
PERMANENT OR SEMI-PERMANENT BAYONET CONNECTION

AFFIDAVIT OF ALAN J. SOLYNTJES UNDER 37 CFR § 1.132

Mail Stop:

Commissioner for Patents

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CERTIFICATE OF TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being transmitted to United States Patent and Trademark Office on the date shown below via the Office electronic filing system.

9/13/11

James Q. Kelly

Date

Signed by:

I, Alan J. Solyntjes, being duly sworn, do state as follows:

1. That I received a Bachelor of Science degree in Mechanical Engineering from the University of Minnesota in 1976.

2. That I have worked for 3M Company in an engineering capacity since 1976, and that I have worked in the area of respiratory protection since 1994.

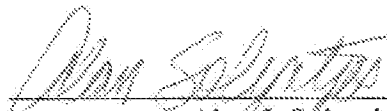
4. That I have about 16 issued U.S. Patents, several of which are directed to the field of respiratory protection.

5. That I have reviewed the Decision on Appeal dated July 22, 2011 in U.S. Patent application 10/750,077, including the following cited references:

- a. U.S. Patent No. 5,732,695 to Metzger
- b. U.S. Patent No. 4,364,689 to Dumortier
- c. U.S. Patent No. 5,741,084 to Del Rio et al.

6. That after reviewing the Dumortier patent in light of the Board decision, it appears that the connection in the manhole cover of Dumortier only provides a locking function

when used in a horizontal orientation such that the force of gravity maintains pawl 7 in the orientation shown in Figure 8, for example. If the orientation of the connection shown in Figure 8 is rotated 180 degrees, gravitational forces may cause the pawl to be biased into an unlocked position, as shown in Figure 7. While a manhole cover assembly is permanently maintained in a horizontal or nearly horizontal orientation, there is no such constraint on the orientation of a personal respiratory protection device. That is, a connection in a personal respiratory protection device must function in an infinite number of possible orientations. The gravity-dependent connection of Dumortier, if it could be incorporated into a personal respiratory protection device, would not provide a connection that is incapable of being inadvertently separated because gravitational forces would cause the pawl to be biased into an unlocked position. Accordingly, the connection would not be suitable for use in a personal respiratory protection device, and the connection would not logically be incorporated into such a device.


Alan J. Solyntjes

Subscribed and sworn to before me
this 13th day of September, 2011.


Notary Public

